

Exhibit B

1 Jason C. Murray (CA Bar No. 169806)
2 Robert B. McNary (CA Bar No. 253745)
3 CROWELL & MORING LLP
4 515 South Flower St., 40th Floor
5 Los Angeles, CA 90071
6 Telephone: 213-443-5582
7 Facsimile: 213-622-2690
8 Email: jmmurray@crowell.com
9 rmcnary@crowell.com

6 Jerome A. Murphy (*pro hac vice*)
7 Astor H.L. Heaven (*pro hac vice*)
8 CROWELL & MORING LLP
9 1001 Pennsylvania Avenue, N.W.
10 Washington, D.C. 20004
11 Telephone: 202-624-2500
12 Facsimile: 202-628-5116
13 Email: jmurphy@crowell.com
14 aheaven@crowell.com

11 *Counsel for Plaintiff ViewSonic Corporation*

12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

15 IN RE CATHODE RAY TUBE (CRT)
16 ANTITRUST LITIGATION

17 This Document Relates To:

18 *ViewSonic Corporation v. Chunghwa*
19 *Picture Tubes, Ltd., et al.*, Case No.
20 3:14-cv-02510

Master File No. 3:07-cv-05944-SC

MDL No. 1917

Individual Case No. 3:14-cv-02510

**PLAINTIFF VIEWSONIC
CORPORATION'S RESPONSES AND
OBJECTIONS TO DEFENDANTS
CHUNGHWA PICTURE TUBES, LTD.
AND CHUNGHWA PICTURE TUBES
(MALAYSIA) SDN. BHD.'S FIRST SET OF
INTERROGATORIES**

23 PROPOUNDING PARTY: Defendants Chunghwa Picture Tubes, Ltd. and Chunghwa Picture
24 Tubes (Malaysia) Sdn. Bhd.

25 RESPONDING PARTY: Plaintiff ViewSonic Corporation

26 SET NO.: ONE

27 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff ViewSonic
28

Corporation (“ViewSonic”) hereby responds and objects to the First Set of Interrogatories to Plaintiff ViewSonic (“Interrogatories”) served by counsel for Defendants Chunghwa Picture Tubes, Ltd. and Chunghwa Picture Tubes (Malaysia) Sdn. Bhd. (“Defendants”) in the above-captioned matter. For the reasons specified below, ViewSonic objects generally and specifically to all specifications in the Interrogatories. ViewSonic reserves the right to supplement the objections and responses set forth below.

GENERAL OBJECTIONS

ViewSonic asserts the following General Objections to the Interrogatories, which are incorporated by reference in each specific response as though set forth fully therein:

1. ViewSonic objects to the Interrogatories to the extent that they are overbroad, burdensome, and seek information that is outside the scope of any allowable discovery by the Federal Rules of Civil Procedure, the Local Rules of the District Court for the Northern District of California, or any Order of this Court. ViewSonic specifically objects to the instruction to serve verified answers at the offices of Gibson, Dunn & Crutcher LLP, 555 Mission St. Suite 3000, San Francisco, CA 94105-2933 within thirty (30) days after the date of service. ViewSonic does not agree to undertake any obligations beyond those required by the Federal Rules of Civil Procedure or the Local Rules of this Court.

2. ViewSonic objects to the Interrogatories to the extent they seek information protected by the attorney-client privilege and/or attorney work-product doctrine, the joint prosecution privilege, or any other privilege or doctrine of confidentiality provided by law, or that otherwise constitutes information prepared for or in anticipation of litigation. Such information will not be produced; any production thereof is inadvertent and not a waiver of any applicable privilege or protection against disclosure.

3. ViewSonic objects to the Interrogatories to the extent that they seek information not currently in ViewSonic’s possession, custody, or control.

4. ViewSonic objects to the Interrogatories to the extent that they seek information already in the possession, custody or control of Defendants.

1 5. ViewSonic objects to the Interrogatories to the extent that they seek information,
2 or purport to impose duties or obligations, beyond those set forth in the Federal Rules of Civil
3 Procedure or the Local Rules of this Court. ViewSonic does not agree to undertake any
4 obligations beyond those required by those rules.

5 6. ViewSonic objects to the Interrogatories to the extent that they are unreasonable,
6 oppressive, unintelligible, vague, ambiguous, and unduly burdensome and for which the
7 acquisition of information responsive to each would cause ViewSonic undue annoyance and
8 expense.

9 7. ViewSonic objects to the Interrogatories to the extent that they seek information
10 not related to the claims or defenses of any party in this matter or are not reasonably calculated to
11 lead to the discovery of admissible evidence.

12 8. ViewSonic objects to the Interrogatories to the extent that the information sought
13 is unreasonably cumulative or duplicative, or is obtainable from a source other than ViewSonic
14 that is more convenient, less burdensome, or less expensive. ViewSonic also objects to the
15 Interrogatories to the extent that they seek information that can be more easily obtained by
16 Defendants from public sources.

17 9. ViewSonic objects to the Interrogatories to the extent that they contain terms that
18 are vague or ambiguous. ViewSonic also objects to Defendants' definitions of words to the
19 extent they are inconsistent with the plain meaning of those words or impose an expanded
20 definition of the words or phrases. By responding to an Interrogatory containing such a
21 definition, ViewSonic does not adopt definitions of terms propounded by Defendants. Instead,
22 ViewSonic expressly reserves its right to narrow the scope of the purported definition.

23 10. ViewSonic objects to the definitions of "all," "and," "or," "document(s)," "you,"
24 "your," and "identify" to the extent that such definitions make the Interrogatories overly broad,
25 unduly burdensome, or seek information that is not relevant to the subject matter of this litigation
26 and, therefore, render the Interrogatories not reasonably calculated to lead to the discovery of
27 admissible evidence.

28

1 11. ViewSonic objects to the Interrogatories to the extent that they call for disclosure
2 of information containing trade secrets or proprietary, sensitive, or other confidential business
3 information.

4 12. ViewSonic objects to the Interrogatories to the extent that they seek legal
5 conclusions and supporting facts that are not reasonably ascertainable or available at this stage of
6 the litigation.

7 13. ViewSonic objects to the Interrogatories to the extent that they call for expert
8 testimony. ViewSonic will provide expert disclosures as provided by the Federal Rules of Civil
9 Procedure or by order of the Court, and at the appropriate time.

10 14. ViewSonic objects to the Interrogatories to the extent that they would require
11 ViewSonic to disclose information that would cause ViewSonic to violate its existing contractual
12 obligations to other parties to maintain the confidentiality of such information.

13 15. ViewSonic objects to the Interrogatories to the extent that they are premature. In
14 responding to such Interrogatories, ViewSonic in no way concedes their relevance to the merits
15 and expressly reserves other objections to those Interrogatories.

16 16. ViewSonic has not completed its discovery and preparation in this matter, and
17 ViewSonic's investigation of this case is ongoing. ViewSonic's responses are being made after
18 reasonable inquiry into the relevant facts, and the responses are based only upon the information
19 and documentation that is presently available to and known to ViewSonic. Further investigation
20 and discovery may result in the identification of additional information or contentions, and
21 ViewSonic reserves the right to modify its responses. ViewSonic's responses should not be
22 construed to prejudice ViewSonic's right to conduct further investigation in this case, or to limit
23 ViewSonic's use of any additional evidence that may be developed.

24 17. Documents produced by ViewSonic in this litigation shall be deemed produced in
25 response to these Interrogatories, subject to the responses and objections contained herein. The
26 burden of identifying specific information or documents responsive to these Interrogatories from
27 documents produced in the course of this litigation is substantially the same for either party, and
28

1 ViewSonic is entitled to elect the option to produce business records pursuant to Rule 33(d) of the
2 Federal Rules of Civil Procedure.

3 18. ViewSonic objects to General Instruction #2 as overly broad, unduly burdensome,
4 oppressive, and outside the scope of discovery allowed by the Federal Rules of Civil Procedure,
5 particularly in that it purports to require separate responses that do not reference any other
6 discovery regardless of whether a particular Interrogatory is duplicative of previously served
7 discovery. ViewSonic does not agree to undertake any obligations beyond those required by the
8 Federal Rules of Civil Procedure or the Local Rules of this Court.

9 19. ViewSonic objects to General Instruction #4 as overly broad, unduly burdensome,
10 oppressive in that it purports to require Plaintiff to sign any answers or responses. ViewSonic
11 does not agree to undertake any obligations beyond those required by the Federal Rules of Civil
12 Procedure or the Local Rules of this Court.

13 20. ViewSonic objects to General Instruction #5 as overly broad, unduly burdensome,
14 oppressive, and outside the scope of discovery allowed by the Federal Rules of Civil Procedure to
15 the extent that it purports to require ViewSonic to respond to vague, ambiguous or otherwise
16 unintelligible Interrogatories that make it impossible for ViewSonic to determine the content of
17 the request and in turn may result in vague or ambiguous responses.

18 21. ViewSonic objects to General Instruction #6 as overly broad, unduly burdensome,
19 oppressive, and outside the scope of discovery allowed by the Federal Rules of Civil Procedure to
20 the extent that it purports to require ViewSonic to describe its process for responding to
21 Interrogatories. ViewSonic further objects to General Instruction #6 to the extent that it purports
22 to require information protected by the attorney-client privilege and/or attorney work-product
23 doctrine, the joint prosecution privilege, or any other privilege or doctrine of confidentiality
24 provided by law, or that otherwise constitutes information prepared for or in anticipation of
25 litigation. ViewSonic further objects to General Instruction #6 to the extent it purports to require
26 ViewSonic to fully respond to Interrogatories that are premature.

27 22. ViewSonic objects to General Instruction #7 as overly broad, unduly burdensome,
28 oppressive, and outside the scope of discovery allowed by the Federal Rules of Civil Procedure to

1 the extent that it purports to require ViewSonic to respond to vague, ambiguous or otherwise
2 unintelligible Interrogatories that make it impossible for ViewSonic to determine the content of
3 the request and in turn may result in vague or ambiguous responses.

4 23. ViewSonic objects to General Instruction #10 as overly broad, unduly
5 burdensome, oppressive, and outside the scope of discovery allowed by the Federal Rules of Civil
6 Procedure, particularly in that it purports to require ViewSonic to specifically identify and certify
7 portions of business records. Documents produced by ViewSonic in this litigation shall be
8 deemed produced in response to these Interrogatories, subject to the responses and objections
9 contained herein. The burden of identifying specific information or documents responsive to
10 these Interrogatories from documents produced in the course of this litigation is substantially the
11 same for either party, and ViewSonic is entitled to elect the option to produce business records
12 pursuant to Rule 33(d) of the Federal Rules of Civil Procedure. ViewSonic does not agree to
13 undertake any obligations beyond those required by the Federal Rules of Civil Procedure or the
14 Local Rules of this Court.

15 **RESPONSES TO INTERROGATORIES**

16 **INTERROGATORY NO. 1:**

17 Identify all purchases of CRTs or CRT Products for which You contend You suffered
18 actual damages attributable to the commerce done by CPT and CPTM within the meaning of
19 Section 213(a) of the Antitrust Criminal Penalty Enhancement and Reform Act of 2004.

20 **RESPONSE TO INTERROGATORY NO. 1:**

21 ViewSonic refers to and incorporates its General Objections as though set forth fully
22 herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly
23 burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify
24 every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects
25 to this Interrogatory to the extent it is duplicative of other discovery. ViewSonic also objects to
26 this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion. ViewSonic
27 further objects to this Interrogatory on the grounds that it seeks information that is already in
28

1 Defendants' possession, custody, or control, or equally available to Defendants. ViewSonic
2 further objects that the phrase "actual damages" is vague and ambiguous.

3 Subject to and without waiving any of the foregoing objections, and pursuant to Rule
4 33(d) of the Federal Rules of Civil Procedure, ViewSonic refers Defendants to the transactional
5 data produced in this litigation as VIEW_CRT00000001-VIEW_CRT00000002 and to the expert
6 report of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying materials. ViewSonic's
7 discovery and investigation is ongoing. ViewSonic reserves the right to supplement and/or revise
8 its response to this Interrogatory as appropriate.

9 **INTERROGATORY NO. 2:**

10 Identify all purchases of CRTs and CRT Products from CPT or CPTM for which You
11 contend You are entitled to recover damages or other relief pursuant to Section 1 of the Sherman
12 Act (15 U.S.C. § 1).

13 **RESPONSE TO INTERROGATORY NO. 2:**

14 ViewSonic refers to and incorporates its General Objections as though set forth fully
15 herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly
16 burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify
17 every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects
18 to this Interrogatory to the extent it is duplicative of other discovery. ViewSonic also objects to
19 this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion. ViewSonic
20 further objects to this Interrogatory on the grounds that it seeks information that is already in
21 Defendants' possession, custody, or control, or equally available to Defendants.

22 Subject to and without waiving any of the foregoing objections and pursuant to Rule 33(d)
23 of the Federal Rules of Civil Procedure, ViewSonic refers Defendants to the transactional data
24 produced in this litigation as VIEW_CRT00000001-VIEW_CRT00000002 and to the expert
25 report of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying materials. ViewSonic's
26 discovery and investigation is ongoing. ViewSonic reserves the right to supplement and/or revise
27 its response to this Interrogatory as appropriate.

28

INTERROGATORY NO. 3:

If You contend that You purchased CRTs or CRT Products from CPT or CPTM during the Relevant Period, identify all facts, witnesses, and Documents that support Your contention. If You make no such contention, indicate that You do not make such a contention.

RESPONSE TO INTERROGATORY NO. 3:

ViewSonic refers to and incorporates its General Objections as though set forth fully herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects to this Interrogatory as improperly requiring ViewSonic to marshal all evidence and “state its case” in response to written discovery. ViewSonic further objects to this Interrogatory on the grounds that it is duplicative of interrogatories served by other Defendants. ViewSonic also objects to this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion. ViewSonic further objects to this Interrogatory on the grounds that it seeks information that is already in Defendants’ possession, custody, or control, or equally available to Defendants.

Subject to and without waiving any of the foregoing objections, and pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, ViewSonic refers Defendants to the transactional data produced in this litigation as VIEW_CRT00000001-VIEW_CRT00000002 and to the expert report of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying materials. ViewSonic’s discovery and investigation is ongoing. ViewSonic reserves the right to supplement and/or revise its response to this Interrogatory as appropriate.

INTERROGATORY NO. 4:

If You contend that You received offers for the sale of CRTs or CRT Products from CPT or CPTM during the Relevant Period, identify all facts, witnesses, and Documents that support Your contention. If You make no such contention, indicate that You do not make such a contention.

RESPONSE TO INTERROGATORY NO. 4:

ViewSonic refers to and incorporates its General Objections as though set forth fully

herein. ViewSonic further objects that whether ViewSonic received offers for the sale of CRTs or CRT products from CPT or CPTM is not relevant to the claims or defenses of any party and is not reasonably calculated to lead to the discovery of admissible evidence. ViewSonic further objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects to this Interrogatory as improperly requiring ViewSonic to marshal all evidence and “state its case” in response to written discovery. ViewSonic further objects to this Interrogatory on the ground that it is duplicative of interrogatories served by other Defendants. ViewSonic also objects to this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion. ViewSonic further objects to this Interrogatory on the grounds that it seeks information that is already in Defendants’ possession, custody, or control, or equally available to Defendants.

Subject to and without waiving any of the foregoing objections, ViewSonic states that its claims against Chunghwa are based on the “ownership or control” relationship exception to *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977), as articulated in *Royal Printing Co. v. Kimberly Clark Corp.*, 621 F.2d 323 (9th Cir. 1980) and its progeny, including the Court’s November 29, 2012 Order Granting in Part and Denying in Part Defendants’ Joint Motion for Summary Judgment (Dkt. 1470). Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, ViewSonic further refers Defendants to the transactional data produced in this litigation as VIEW_CRT00000001-VIEW_CRT00000002 and to the expert report of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying materials. ViewSonic’s discovery and investigation is ongoing. ViewSonic reserves the right to supplement and/or revise its response to this Interrogatory as appropriate.

INTERROGATORY NO. 5:

If You contend that CPT or CPTM is a subsidiary of any entity from which You purchased CRTs or CRT Products directly, identify all facts, witnesses, and Documents that support Your contention. If You make no such contention, indicate that You do not make such a contention.

RESPONSE TO INTERROGATORY NO. 5:

ViewSonic refers to and incorporates its General Objections as though set forth fully herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects to this Interrogatory as improperly requiring ViewSonic to marshal all evidence and “state its case” in response to written discovery. ViewSonic further objects to this Interrogatory on the grounds that it is duplicative of interrogatories served by other Defendants. ViewSonic also objects to this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion. ViewSonic further objects to this Interrogatory on the grounds that it seeks information that is already in Defendants’ possession, custody, or control, or equally available to Defendants.

Subject to and without waiving any of the foregoing objections, ViewSonic states that its claims against Chunghwa are based on the “ownership or control” relationship among Chunghwa on the one hand and Tatung or Jean Co. Ltd on the other pursuant to the exception to *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977), as articulated in *Royal Printing Co. v. Kimberly Clark Corp.*, 621 F.2d 323 (9th Cir. 1980) and its progeny, including the Court’s November 29, 2012 Order Granting in Part and Denying in Part Defendants’ Joint Motion for Summary Judgment (Dkt. 1470). Pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, ViewSonic refers Defendants to the following documents and evidence:

- Defendants Chunghwa Picture Tubes, Ltd. and Chunghwa Picture Tubes (Malaysia) Sdn. Bhd.’s Response to Plaintiff ViewSonic Corporation’s First Set of Interrogatories (September 29, 2014);
- Chunghwa Picture Tubes, Ltd.’s Annual Reports/Audit Reports from 1995 to present, to the extent such documents exist;
- Tatung Company’s Annual Reports from 1995 to present, to the extent such documents exist;
- Jean Co., Ltd’s Annual Reports from 1995 to present, to the extent such documents exist;

- 1 • The expert report of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying
- 2 materials;
- 3 • *In re TFT-LCD Antitrust Litigation*, Case 3:07-md-01827-SI, Declaration of
- 4 Philip J. Iovieno In Support of Plaintiffs' Opposition to Defendants' Motion for
- 5 Partial Summary Judgment for Lack of Standing under *Illinois Brick* and *ATM*
- 6 *Fee* (N.D. Cal. Aug. 20, 2012) (Docket No. 6493-1); and
- 7 • *In re TFT-LCD Antitrust Litigation*, Case 3:07-md-01827-SI, Order Denying
- 8 Defendants' Joint Motion and Toshiba's Separate Motion for Partial Summary
- 9 Judgment for Lack of Standing Under *Illinois Brick* and *In re ATM Fee* (N.D. Cal.
- 10 Nov. 19, 2012) (Docket No. 7188).

11 ViewSonic's discovery and investigation is ongoing. ViewSonic reserves the right to
 12 supplement and/or revise its response to this Interrogatory as appropriate.

13 **INTERROGATORY NO. 6:**

14 If you contend that CPT or CPTM was owned or controlled by any entity from which You
 15 purchased CRTs or CRT Products directly, identify all facts, witnesses, and Documents that
 16 support Your contention. If You make no such contention, please so indicate.

17 **RESPONSE TO INTERROGATORY NO. 6:**

18 ViewSonic refers to and incorporates its General Objections as though set forth fully
 19 herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly
 20 burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify
 21 every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects
 22 to this Interrogatory as improperly requiring ViewSonic to marshal all evidence and "state its
 23 case" in response to written discovery. ViewSonic further objects to this Interrogatory on the
 24 grounds that it is duplicative of interrogatories served by other Defendants. ViewSonic also
 25 objects to this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion.
 26 ViewSonic further objects to this Interrogatory on the grounds that it seeks information that is
 27 already in Defendants' possession, custody, or control, or equally available to Defendants.

28 Subject to and without waiving any of the foregoing objections, ViewSonic hereby refers

1 to and incorporates its response to Interrogatory No. 5. ViewSonic's discovery and investigation
2 is ongoing. ViewSonic reserves the right to supplement and/or revise its response to this
3 Interrogatory as appropriate.

4 **INTERROGATORY NO. 7:**

5 If You contend that any entity from which You purchased CRTs or CRT Products directly
6 is a subsidiary of CPT or CPTM, identify all facts, witnesses, and Documents that support Your
7 contention. If You make no such contention, indicate that You do not make such a contention.

8 **RESPONSE TO INTERROGATORY NO. 7:**

9 ViewSonic refers to and incorporates its General Objections as though set forth fully
10 herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly
11 burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify
12 every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects
13 to this Interrogatory as improperly requiring ViewSonic to marshal all evidence and "state its
14 case" in response to written discovery. ViewSonic further objects to this Interrogatory on the
15 grounds that it is duplicative of interrogatories served by other Defendants. ViewSonic also
16 objects to this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion.
17 ViewSonic further objects to this Interrogatory on the grounds that it seeks information that is
18 already in Defendants' possession, custody, or control, or equally available to Defendants.

19 Subject to and without waiving any of the foregoing objections, ViewSonic hereby refers
20 to and incorporates its response to Interrogatory No. 5. ViewSonic's discovery and investigation
21 is ongoing. ViewSonic reserves the right to supplement and/or revise its response to this
22 Interrogatory as appropriate.

23 **INTERROGATORY NO. 8:**

24 If you contend that any entity from which You purchased CRTs or CRT Products directly
25 was owned or controlled by CPT or CPTM, identify all facts, witnesses, and Documents that
26 support Your contention. If You make no such contention, please so indicate.

27 **RESPONSE TO INTERROGATORY NO. 8:**

28 ViewSonic refers to and incorporates its General Objections as though set forth fully

herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects to this Interrogatory as improperly requiring ViewSonic to marshal all evidence and “state its case” in response to written discovery. ViewSonic further objects to this Interrogatory on the grounds that it is duplicative of interrogatories served by other Defendants. ViewSonic also objects to this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion. ViewSonic further objects to this Interrogatory on the grounds that it seeks information that is already in Defendants’ possession, custody, or control, or equally available to Defendants.

Subject to and without waiving any of the foregoing objections, ViewSonic hereby refers to and incorporates its response to Interrogatory No. 5. ViewSonic’s discovery and investigation is ongoing. ViewSonic reserves the right to supplement and/or revise its response to this Interrogatory as appropriate.

INTERROGATORY NO. 9:

Identify all of Your purchases of CRTs and CRT Products from Tatung during the Relevant Period that You contend contained color display tubes or color picture tubes manufactured by CPT or CPTM.

RESPONSE TO INTERROGATORY NO. 9:

ViewSonic refers to and incorporates its General Objections as though set forth fully herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects to this Interrogatory to the extent it is duplicative of other discovery. ViewSonic also objects to this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion. ViewSonic further objects to this Interrogatory on the grounds that it seeks information that is already in Defendants’ possession, custody, or control, or equally available to Defendants.

Subject to and without waiving any of the foregoing objections, and pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, ViewSonic refers Defendants to the transactional

1 data produced in this litigation as VIEW_CRT00000001-VIEW_CRT00000002, the expert report
2 of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying materials, and the expert report
3 of Dr. Kenneth G. Elzinga dated June 5, 2014 and its accompanying materials. ViewSonic's
4 discovery and investigation is ongoing. ViewSonic reserves the right to supplement and/or revise
5 its response to this Interrogatory as appropriate.

6 **INTERROGATORY NO. 10:**

7 Identify all facts, Documents and testimony demonstrating that the CRTs or CRT Products
8 You purchased from Tatung contained color display tubes or color picture tubes manufactured by
9 CPT or CPTM.

10 **RESPONSE TO INTERROGATORY NO. 10:**

11 ViewSonic refers to and incorporates its General Objections as though set forth fully
12 herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly
13 burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify
14 every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects
15 to this Interrogatory as improperly requiring ViewSonic to marshal all evidence and "state its
16 case" in response to written discovery. ViewSonic also objects to this Interrogatory to the extent
17 it is duplicative of other discovery. ViewSonic also objects to this Interrogatory to the extent it
18 requires ViewSonic to draw a legal conclusion. ViewSonic further objects to this Interrogatory
19 on the grounds that it seeks information that is already in Defendants' possession, custody, or
20 control, or equally available to Defendants.

21 Subject to and without waiving any of the foregoing objections, and pursuant to Rule
22 33(d) of the Federal Rules of Civil Procedure, ViewSonic refers Defendants to the transactional
23 data produced in this litigation as VIEW_CRT00000001-VIEW_CRT00000002, the expert report
24 of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying materials, and the expert report
25 of Dr. Kenneth G. Elzinga dated June 5, 2014 and its accompanying materials. ViewSonic's
26 discovery and investigation is ongoing. ViewSonic reserves the right to supplement and/or revise
27 its response to this Interrogatory as appropriate.

28

INTERROGATORY NO. 11:

If You contend that Section 1 of the Sherman Act (15 U.S.C. § 1) applies to any purchase(s) identified in response to Interrogatory No. 9, state the basis of Your contention, including the basis of Your contention, if You so contend, that the purchase qualifies for an exception to the rule in *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977), barring claims based on indirect purchases.

RESPONSE TO INTERROGATORY NO. 11:

ViewSonic refers to and incorporates its General Objections as though set forth fully herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects to this Interrogatory to the extent it is duplicative of other discovery. ViewSonic also objects to this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion. ViewSonic further objects to this Interrogatory on the grounds that it seeks information that is already in Defendants' possession, custody, or control, or equally available to Defendants.

Subject to and without waiving any of the foregoing objections, ViewSonic has Sherman Act standing to bring a claim against CPT and CPTM for certain of ViewSonic's purchases pursuant to the "ownership or control" exception to *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977), as articulated in *Royal Printing Co. v. Kimberly Clark Corp.*, 621 F.2d 323 (9th Cir. 1980) and its progeny, including the Court's November 29, 2012 Order Granting in Part and Denying in Part Defendants' Joint Motion for Summary Judgment (Dkt. 1470). Specifically, ViewSonic is entitled to recover damages pursuant to Section 1 of the Sherman Act, 15 U.S.C. § 1, and Section 4 of the Clayton Act, 15 U.S.C., for its purchases of CRTs based on the ownership or control relationship among CPT, CPTM, the Tatung entities, and the Jean entities, and other entities. ViewSonic further refers Defendants to the following evidence supporting this contention:

- Defendants Chunghwa Picture Tubes, Ltd. and Chunghwa Picture Tubes (Malaysia) Sdn. Bhd.'s Response to Plaintiff ViewSonic Corporation's First Set of

Interrogatories (September 29, 2014);

- Chunghwa Picture Tubes, Ltd.'s Annual Reports/Audit Reports from 1995 to present, to the extent such documents exist;
- Tatung Company's Annual Reports from 1995 to present, to the extent such documents exist;
- Jean Co., Ltd's Annual Reports from 1995 to present, to the extent such documents exist;
- The expert report of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying materials;
- *In re TFT-LCD Antitrust Litigation*, Case 3:07-md-01827-SI, Declaration of Philip J. Iovieno In Support of Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment for Lack of Standing under *Illinois Brick* and *ATM Fee* (N.D. Cal. Aug. 20, 2012) (Docket No. 6493-1); and
- *In re TFT-LCD Antitrust Litigation*, Case 3:07-md-01827-SI, Order Denying Defendants' Joint Motion and Toshiba's Separate Motion for Partial Summary Judgment for Lack of Standing Under *Illinois Brick* and *In re ATM Fee* (N.D. Cal. Nov. 19, 2012) (Docket No. 7188).

ViewSonic's discovery in this matter is ongoing, and ViewSonic reserves the right to supplement and/or revise this response as appropriate.

INTERROGATORY NO. 12:

Identify all of Your purchases of CRTs and CRT Products from TUS during the Relevant Period that You contend contained color display tubes or color picture tubes manufactured by CPT or CPTM.

RESPONSE TO INTERROGATORY NO. 12:

ViewSonic refers to and incorporates its General Objections as though set forth fully herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects

1 to this Interrogatory to the extent it is duplicative of other discovery. ViewSonic also objects to
2 this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion. ViewSonic
3 further objects to this Interrogatory on the grounds that it seeks information that is already in
4 Defendants' possession, custody, or control, or equally available to Defendants.

5 Subject to and without waiving any of the foregoing objections, and pursuant to Rule
6 33(d) of the Federal Rules of Civil Procedure, ViewSonic refers Defendants to the transactional
7 data produced in this litigation as VIEW_CRT00000001-VIEW_CRT00000002, the expert report
8 of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying materials, and the expert report
9 of Dr. Kenneth G. Elzinga dated June 5, 2014 and its accompanying materials. ViewSonic's
10 discovery and investigation is ongoing. ViewSonic reserves the right to supplement and/or revise
11 its response to this Interrogatory as appropriate.

12 **INTERROGATORY NO. 13:**

13 Identify all facts, Documents and testimony demonstrating that the CRTs or CRT Products
14 You purchased from TUS contained color display tubes or color picture tubes manufactured by
15 CPT or CPTM.

16 **RESPONSE TO INTERROGATORY NO. 13:**

17 ViewSonic refers to and incorporates its General Objections as though set forth fully
18 herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly
19 burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify
20 every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects
21 to this Interrogatory as improperly requiring ViewSonic to marshal all evidence and "state its
22 case" in response to written discovery. ViewSonic also objects to this Interrogatory to the extent
23 it is duplicative of other discovery. ViewSonic also objects to this Interrogatory to the extent it
24 requires ViewSonic to draw a legal conclusion. ViewSonic further objects to this Interrogatory
25 on the grounds that it seeks information that is already in Defendants' possession, custody, or
26 control, or equally available to Defendants.

27 Subject to and without waiving any of the foregoing objections, and pursuant to Rule
28 33(d) of the Federal Rules of Civil Procedure, ViewSonic refers Defendants to the transactional

1 data produced in this litigation as VIEW_CRT00000001-VIEW_CRT00000002, the expert report
2 of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying materials, and the expert report
3 of Dr. Kenneth G. Elzinga dated June 5, 2014 and its accompanying materials. ViewSonic's
4 discovery and investigation is ongoing. ViewSonic reserves the right to supplement and/or revise
5 its response to this Interrogatory as appropriate.

6 **INTERROGATORY NO. 14:**

7 If You contend that Section 1 of the Sherman Act (15 U.S.C. § 1) applies to any
8 purchase(s) identified in response to Interrogatory No. 12, state the basis of Your contention,
9 including the basis of Your contention, if You so contend, that the purchase qualifies for an
10 exception to the rule in *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977), barring claims based on
11 indirect purchases.

12 **RESPONSE TO INTERROGATORY NO. 14:**

13 ViewSonic refers to and incorporates its General Objections as though set forth fully
14 herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly
15 burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify
16 every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects
17 to this Interrogatory to the extent it is duplicative of other discovery. ViewSonic also objects to
18 this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion. ViewSonic
19 further objects to this Interrogatory on the grounds that it seeks information that is already in
20 Defendants' possession, custody, or control, or equally available to Defendants.

21 Subject to and without waiving any of the foregoing objections, ViewSonic refers to and
22 incorporates its response to Interrogatory No. 11. ViewSonic's discovery in this matter is
23 ongoing, and ViewSonic reserves the right to supplement and/or revise this response as
24 appropriate.

25 **INTERROGATORY NO. 15:**

26 Identify all of Your purchases of CRTs and CRT Products from JEAN during the
27 Relevant Period that You contend contained color display tubes or color picture tubes
28 manufactured by CPT or CPTM.

RESPONSE TO INTERROGATORY NO. 15:

ViewSonic refers to and incorporates its General Objections as though set forth fully herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects to this Interrogatory to the extent it is duplicative of other discovery. ViewSonic also objects to this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion. ViewSonic further objects to this Interrogatory on the grounds that it seeks information that is already in Defendants' possession, custody, or control, or equally available to Defendants.

Subject to and without waiving any of the foregoing objections, and pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, ViewSonic refers Defendants to the transactional data produced in this litigation as VIEW_CRT00000001-VIEW_CRT00000002, the expert report of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying materials, and the expert report of Dr. Kenneth G. Elzinga dated June 5, 2014 and its accompanying materials. ViewSonic's discovery and investigation is ongoing. ViewSonic reserves the right to supplement and/or revise its response to this Interrogatory as appropriate.

INTERROGATORY NO. 16:

Identify all facts, Documents and testimony demonstrating that the CRTs or CRT Products You purchased from JEAN contained color display tubes or color picture tubes manufactured by CPT or CPTM.

RESPONSE TO INTERROGATORY NO. 16:

ViewSonic refers to and incorporates its General Objections as though set forth fully herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects to this Interrogatory as improperly requiring ViewSonic to marshal all evidence and "state its case" in response to written discovery. ViewSonic also objects to this Interrogatory to the extent it is duplicative of other discovery. ViewSonic also objects to this Interrogatory to the extent it

1 requires ViewSonic to draw a legal conclusion. ViewSonic further objects to this Interrogatory
2 on the grounds that it seeks information that is already in Defendants' possession, custody, or
3 control, or equally available to Defendants.

4 Subject to and without waiving any of the foregoing objections, and pursuant to Rule
5 33(d) of the Federal Rules of Civil Procedure, ViewSonic refers Defendants to the transactional
6 data produced in this litigation as VIEW_CRT00000001-VIEW_CRT00000002, the expert report
7 of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying materials, and the expert report
8 of Dr. Kenneth G. Elzinga dated June 5, 2014 and its accompanying materials. ViewSonic's
9 discovery and investigation is ongoing. ViewSonic reserves the right to supplement and/or revise
10 its response to this Interrogatory as appropriate.

11 **INTERROGATORY NO. 17:**

12 If You contend that Section 1 of the Sherman Act (15 U.S.C. § 1) applies to any
13 purchase(s) identified in response to Interrogatory No. 15, state the basis of Your contention,
14 including the basis of Your contention, if You so contend, that the purchase qualifies for an
15 exception to the rule in *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977), barring claims based on
16 indirect purchases.

17 **RESPONSE TO INTERROGATORY NO. 17:**

18 ViewSonic refers to and incorporates its General Objections as though set forth fully
19 herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly
20 burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify
21 every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects
22 to this Interrogatory to the extent it is duplicative of other discovery. ViewSonic also objects to
23 this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion. ViewSonic
24 further objects to this Interrogatory on the grounds that it seeks information that is already in
25 Defendants' possession, custody, or control, or equally available to Defendants.

26 Subject to and without waiving any of the foregoing objections, ViewSonic has Sherman
27 Act standing to bring a claim against CPT and CPTM for certain of ViewSonic's purchases
28 pursuant to the "ownership or control" exception to *Illinois Brick Co. v. Illinois*, 431 U.S. 720

(1977), as articulated in *Royal Printing Co. v. Kimberly Clark Corp.*, 621 F.2d 323 (9th Cir. 1980) and its progeny, including the Court's November 29, 2012 Order Granting in Part and Denying in Part Defendants' Joint Motion for Summary Judgment (Dkt. 1470). Specifically, ViewSonic is entitled to recover damages pursuant to Section 1 of the Sherman Act, 15 U.S.C. § 1, and Section 4 of the Clayton Act, 15 U.S.C., for its purchases of CRTs based on the ownership or control relationship among CPT, CPTM, the Tatung entities, and the Jean entities, and other entities. ViewSonic further refers Defendants to the following evidence supporting this contention:

- Defendants Chunghwa Picture Tubes, Ltd. and Chunghwa Picture Tubes (Malaysia) Sdn. Bhd.'s Response to Plaintiff ViewSonic Corporation's First Set of Interrogatories (September 29, 2014);
- Chunghwa Picture Tubes, Ltd.'s Annual Reports/Audit Reports from 1995 to present, to the extent such documents exist;
- Tatung Company's Annual Reports from 1995 to present, to the extent such documents exist;
- Jean Co., Ltd's Annual Reports from 1995 to present, to the extent such documents exist;
- The expert report of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying materials;
- *In re TFT-LCD Antitrust Litigation*, Case 3:07-md-01827-SI, Declaration of Philip J. Iovieno In Support of Plaintiffs' Opposition to Defendants' Motion for Partial Summary Judgment for Lack of Standing under *Illinois Brick* and *ATM Fee* (N.D. Cal. Aug. 20, 2012) (Docket No. 6493-1); and
- *In re TFT-LCD Antitrust Litigation*, Case 3:07-md-01827-SI, Order Denying Defendants' Joint Motion and Toshiba's Separate Motion for Partial Summary Judgment for Lack of Standing Under *Illinois Brick* and *In re ATM Fee* (N.D. Cal. Nov. 19, 2012) (Docket No. 7188)

ViewSonic's discovery in this matter is ongoing, and ViewSonic reserves the right to

supplement and/or revise this response as appropriate.

INTERROGATORY NO. 18:

If You contend that Section 1 of the Sherman Act (15 U.S.C. § 1) applies to any other of Your purchases of CRTs and CRT Products that contained color display tubes or color picture tubes manufactured by CPT or CPTM, state the basis of Your contention, including the basis of Your contention, if You so contend, that the purchase qualifies for an exception to the rule in *Illinois Brick Co. v. Illinois*, 431 U.S. 720 (1977), barring claims based on indirect purchases.

RESPONSE TO INTERROGATORY NO. 18:

ViewSonic refers to and incorporates its General Objections as though set forth fully herein. ViewSonic further objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive, particularly in that it calls for ViewSonic to specifically identify every CRT in every CRT Product it purchased over a twelve-year period. ViewSonic also objects to this Interrogatory to the extent it is duplicative of other discovery. ViewSonic also objects to this Interrogatory to the extent it requires ViewSonic to draw a legal conclusion. ViewSonic further objects to this Interrogatory on the grounds that it seeks information that is already in Defendants' possession, custody, or control, or equally available to Defendants. ViewSonic further objects that the phrase "any other of Your purchases" is vague, ambiguous, and overbroad.

Subject to and without waiving any of the foregoing objections, and pursuant to Rule 33(d) of the Federal Rules of Civil Procedure, ViewSonic refers Defendants to the transactional data produced in this litigation as VIEW_CRT00000001-VIEW_CRT00000002, the expert report of Dr. Alan S. Frankel dated June 6, 2014 and its accompanying materials, and the expert report of Dr. Kenneth G. Elzinga dated June 5, 2014 and its accompanying materials. ViewSonic's discovery and investigation is ongoing. ViewSonic reserves the right to supplement and/or revise its response to this Interrogatory as appropriate.

//
//
//
//
//
//
//

//

DATED: October 13, 2014

By: /s/ Astor H.L. Heaven

Jason C. Murray (CA Bar No. 169806)
Robert B. McNary (CA Bar No. 253745)
CROWELL & MORING LLP
515 South Flower St., 40th Floor
Los Angeles, CA 90071
Telephone: 213-443-5582
Facsimile: 213-622-2690
Email: jmurray@crowell.com
rmcnary@crowell.com

Jerome A. Murphy (*pro hac vice*)
Astor H.L. Heaven (*pro hac vice*)
CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202-624-2500
Facsimile: 202-628-5116
Email: jmurphy@crowell.com
aheaven@crowell.com

Counsel for ViewSonic Corporation